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PATENT APPLICATION
Docket: 9051.37

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	
	Lynn Y. Shimada
Serial No.:	09/345,820
Filed:	June 30, 1999
For:	METHOD AND SOFTWARE ARTICLE FOR SELECTING ELECTRONIC PAYMENT OF VENDORS IN AN AUTOMATED PAYMENT ENVIRONMENT

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102(d)

Assistant Commissioner for Patents
Washington D.C. 20231

Dear Sir:

Applicant respectfully requests that examination of the above-referenced patent application be advanced out of turn and that prosecution be performed in an expedited manner. Applicant believes all claims are presented to a single invention and will make an election without traverse if the Office determines that all claims are not obviously directed to a single invention. Thus, in conformance with 37 C.F.R. § 1.102(d), Applicant submits this written Petition to Make Special in conformance with 37 C.F.R. § 1.102(d), along with the appropriate fee as set forth in 37 C.F.R. § 1.17(i).

Applicant has caused to be made a careful and thorough pre-examination search of the prior art. This search was performed by a professional search firm under the direction of Noreen

A. Fabean. The search was conducted for United States patented art in Class 705, Subclasses 77, 79, 39, 40, 42, 35; Class 235, Subclass 379; and Class 902 Subclass 40, and 24. A copy of each potentially relevant reference discovered in this search is provided for your review.

The following references were discovered in the above-identified pre-examination search and will be discussed in greater detail below:

USPN 6,189,009	USPN 6,041,315	USPN 5,987,132	USPN 5,974,146
USPN 5,956,700	USPN 5,893,080	USPN 5,884,288	USPN 5,832,464
USPN 5,832,463	USPN 5,717,989	USPN 4,823,264	USPN 4,321,672

A PTO Form 1449 citing the above-identified referenced patents has been included for the convenience of the Examiner.

DETAILED DISCUSSION OF REFERENCES IN LIGHT OF THE PRESENT INVENTION AS REQUIRED UNDER 37 C.F.R. § 1.111(b) and (c).

I. NATURE OF THE INVENTION

The invention relates generally to electronic payment systems, and particularly, to methods and computer executable instructions for improving payment options available to a user of an electronic payment-capable computer program. Even more specifically, the invention relates to permitting a user of an electronic payment system to verify and reassign vendors as either electronic paid vendors or traditional check draft remunerated vendors.

The invention provides a method for determining which of a plurality of payment is to be employed for a particular vendor that is to be paid. The invention also provides software that facilitates the improved determining a type of payment to be employed for a specific vendor by compatibly interacting with already established accounting applications. The invention also is capable of sending remittance and other information to a vendor, along with the payment.

The invention features computer software and methods for determining which of a plurality of payment methods is to be employed for at least one vendor to be paid. It is a feature of the present invention to provide methods in an application to enable a user to employ a variety of payment systems including an electronic payment process, regardless of a particular accounting system employed. In the present invention, accounts payable output data stored in an accounts payable database generated by an accounting application may be sent directly to the method and application of the present invention for selection of either electronic payment or payment through traditional check drafting processes.

In addition, the present invention also enables a user to electronically send "checks" to vendors who cannot receive electronic transfers but may receive payment by employing a third-party such as a service center which generates a typical check draft. The computer program includes one or more vendor names/identifiers and a vendor name/identifier matching algorithm that retrieves a preferred payment method identifier corresponding to the vendor's database identifier. In the event the vendor identifier is not exactly matched within the accounts payable database, the computer program or algorithm phonetically matches the specific vendor identifier with an entry in the vendor database. The invention also enables a user to select specific vendors to receive payments and to establish or setup those vendors immediately.

The method and system of the present invention provides a user with the ability to pay vendors electronically, regardless of whether the vendors have the technology to receive electronic payments. In a particular embodiment of the present invention, accounts payable checks or drafts may be sent electronically. For example, information that usually be placed on a check and its stub may be sent to a processing center by the application of the present invention through a transceiver such a modem. Once the processing center receives the check batch, either

an electronic bank transfer is made or an actual check may be printed and sent to the designated vendor. The user receives from the processing center a regular confirmation of the completed transactions. In such an embodiment, a vendor does not need to be in possession of any special equipment to receive the payment. One of the primary benefits of the present invention is its ability to capture or utilize data placed within an accounts payable database that is generated by traditional accounting software.

Finally, along with identifying what type of payment method is to be employed, the invention also allows remittance and other information to be provided and the method by which it is to be delivered. This determination is made in a similar fashion as that for identifying and carrying out the method of payment.

II. DESCRIPTION AND ANALYSIS OF THE ABOVE-IDENTIFIED REFERENCES

United States Patent No. 6,189,009 to Stratigos et al.

United States Patent No. 6,189,009, issued on February 13, 2001 to Stratigos et al., discloses in an Internet-based process, a method of integrating paper-based business documents requiring an original signature with electronic data about those documents, and for later retrieving the data entered by the end user to create the documents is characterized by the steps of having the end user enter all required information for creating the required document, saving the gathered data in a database, associating the saved data with a unique identification code, and printing the unique identification code on the paper-based document when it is printed by the end user. The method can further include verification steps for the business client to independently verify the information entered, certification steps for the end user to certify the information entered, and fraud detection elements to protect against altered information on the documents.

The printed paper-based document is signed by the end user, and submitted with supporting documentation. When the document is received by the business client, the business client inputs the identification code which is then used to access the stored data, and populate the business client's own database with all of the data used to create the original documents. All data entry is completed and verified by the end user, thus virtually eliminating data entry by the business client.

The present invention is readily distinguishable from the teachings of Stratigos et al. This is apparent upon examination of independent claims 1, 8, and 9 of the present invention. The following descriptions of claims are to be referred to when discussing the other prior art references identified below.

Claim 1 recites a method for electronically determining which of a plurality of payment methods is to be employed for a particular vendor, as well as the association and attachment or transmission of any corresponding remittance or other data with the payment. Claim 1 requires all of this to be done and controlled by the computer of the payor. The method is carried out by a computer program that searches for a vendor identifier within a vendor database, which identifier comprises vendor payment information as discussed above.

Claim 8 is concerned with the association and transmission of remittance data with the payment, and therefore provides a remittance delivery system. Claim 8 provides for a remittance preference database that stores information pertaining to a remittance recipient. Claim 8 also provides for the translation and formatting of payment and remittance data after it is received into one of a plurality of usable and preferred formats.

Claim 9 is similar to claim 1, but provides for a method for paying a vendor and transmitting remittance data using an electronic system. Claim 9 provides further limitations on a variation of claim 1.

In addition to this, each of the independent claims requires that the above-identified recitations be carried out on and controlled by the computer system of the user, and not by a third party, such as a processing center or bank, etc.

On the other hand, Stratigos et al. features an Internet-based system, wherein several end user may access the system or database to perform its above-described functions. Stratigos et al. does not disclose, nor suggest obtaining information about a vendor in need of payment from an accounting program, nor does Stratigos et al. disclose or suggest the searching of a vendor identifier within a vendor database, which identifies a particular method of payment to be made to the vendor. Moreover, Stratigos et al. does not teach nor suggest that its functions are to be carried out on a local system by a customer wishing to pay one or more vendors, as is the system of the present invention. To the contrary, Stratigos et al. teaches away from this feature of the present invention by providing a large, central database that contains all of the information and data entered in by the several users. In addition, Stratigos does not disclose identifying a method of payment to a vendor using a vendor identifier such that a vendor incapable of receiving an electronic payment may nonetheless be paid electronically using the system and method of the present invention. Finally, Stratigos does not disclose that remittance data may be imported, translated, and further transmitted based on specifications for a particular vendor as contained within a vendor database as does the present invention.

In light of the above, Stratigos et al. clearly does not anticipate nor render obvious either of independent claims 1, 8, and 9 of the present invention as one or more critical elements recited

in these claims are not present. Moreover, since the dependent claims add further limitations to the independent claims, Stratigos et al. neither anticipates, nor renders obvious the dependent claims.

United States Patent No. 6,041,315 to Pollin

United States Patent No. 6,041,315, issued on March 21, 2000 to Pollin, discloses a system and method of collecting payments uses an automated system to generate a draft, payable to the creditor and drawn on the payor's checking account, pursuant to the payor's authorization. The draft is then executed by the debt collector as authorized signatory for the payor, and deposited into the payee's account to complete payment. The automated system has a simple input screen which receives the necessary information for generation of the draft, which may be read to the system operator over the telephone by the authorizing payor. The system verifies the bank and account information by comparing the input information to records in a database associated with the system. Optionally, the system may also generate an inquiry to the bank to determine the availability of funds in the payor's account. When verification is complete, the system generates a paper bank draft payable to the payor, using MICR ink so that the draft can be processed in the banking system like an ordinary check. The signature block of the draft is made for the collection agent "as authorized signatory for" the payor.

The present invention is readily distinguishable from the teachings of Pollin. This is apparent upon examination of independent claims 1, 8, and 9 of the present invention as set forth above.

Although Pollin discloses one type of automated payment system and method, it is significantly distinct from the present invention system. First, the focus of Pollin is from the standpoint of a debtor seeking to be paid. Specifically, Pollin discloses a system in which the

debtor can automatically produce drafts which verify bank routing code information, probable invalidity of an account number, and a system that identifies high risk drafts, and provides an increased level of verification for such drafts, unlike the present invention, Pollin also teaches and suggests a central data base or data collection center in which a plurality of data collection stations are connected thereto, wherein the central system automatically generates the drafts. Pollin does not disclose a method for electronically determining which type of payment a vendor may receive as does the present invention. Specifically, Pollin does not disclose the ability to receive from an accounting application one or more vendor identifiers that are to be compiled in an electronic vendor data base, in which the vendor identifiers allow the customer to determine which type of payment or which method payment is appropriate for a particular vendor. Moreover, Pollin does not disclose associating remittance information with a payment transaction, nor does Pollin disclose that a method for electronically determining which type of payment is to be used to pay a vendor that can be substantially performed and controlled by the computer system of the user as does the present invention.

In light of the above, Pollin clearly does not anticipate nor render obvious either of independent claims 1, 8, and 9 of the present invention as one or more critical elements recited in these claims are not present. Moreover, since the dependent claims add further limitations to the independent claims, Pollin neither anticipates, nor renders obvious the dependent claims.

United States Patent No. 5,987,132 to Rowney

United States Patent No. 5,987,132, issued on November 16, 1999 to Rowney, discloses an architecture that provides a server that communicates bidirectionally with a gateway over a first communication link, over which service requests flow to the server for one or more merchants and/or consumers is disclosed. Service requests are associated with a particular

merchant based on storefront visited by a consumer or credentials presented by a merchant. Service requests result in merchant specific transactions that are transmitted to the gateway for further processing on existing host applications. By presenting the appropriate credentials, the merchant could utilize any other computer attached to the Internet utilizing a SSL or SET protocol to query the vPOS system remotely and obtain capture information, payment administration information, inventory control information, audit information and process customer satisfaction information.

The present invention is readily distinguishable from the teachings of Rowney. This is apparent upon examination of independent claims 1, 8, and 9 of the present invention as set forth above.

On the other hand, Rowney discloses and teaches a secure transmission of data between a plurality of computer systems over a public communication system, such as the internet. this particular set up is in stark contrast to the present invention in which the method for determining a plurality of payment methods is substantially performed and controlled by the computer system of the customer. Moreover, Rowney discloses and teaches that a merchant must supply a payment instrument to the customer after that payment instrument has been processed by a payment gateway computer system. The payment gateway computer system formats transaction information and transmits the transaction to a host legacy system. The host legacy system then evaluates the payment information and returns a level of authorization of credit to the gateway computer system which packages the information to form a secure transaction, which is transmitted to the merchant, who then in turn communicates that to the customer. The merchant can then determine whether to accept the payment or deny it. This is significantly different from the present invention in that the present invention discloses a method for electronically

determining which type of a plurality of payment methods is to be employed for the payment of a vendor. Rowney does not disclose or teach a computerized system that is capable of receiving from some type of accounting application a vendor identifier in an electronic file for each of the vendors to be paid. Rowney also does not disclose accessing or consulting a vendor database for a specific vendor database identifier corresponding to the vendor, in which the vendor identifier includes vendor information such as a preferred payment delivery method. Moreover, Rowney does not disclose the association of a remittance information form a customer to a vendor with the payment transaction conducted. Other significant items are not discussed or disclosed in Rowney which are featured n the present invention but not discussed herein.

In light of the above, Rowney clearly does not anticipate nor render obvious either of independent claims 1, 8, and 9 of the present invention as one or more critical elements recited in these claims are not present. Moreover, since the dependent claims add further limitations to the independent claims, Rowney neither anticipates, nor renders obvious the dependent claims.

United Statement Patent No. 5,974,146 to Randle et al.

United States Patent No. 5,974,146, issued on October 26, 1999 to Randle et al., discloses an infrastructure for a real time bank-centric universal payment system in which a central processing unit (CPU) defines an electronic commerce trust system formed from a plurality of financial service provider members subscribing to a common standard having applicability throughout the infrastructure. The central processing unit is operatively interconnected to the correspondent processing units of financial service provider members that in turn are operatively interconnected through access mechanisms to a network of customers and goods and services providers who are account subscribers with the financial service provider member and subject to the common standard of the system. The CPU provides non-revocable real time debit and credit

transactions and effects provider net settlement between and among members through a central exchange monetary system. Features of the infrastructure include an ECTS hot file, bill presentment and payment options and provider designed services that enhance brand identity.

The present invention is readily distinguishable from the teachings of Randle et al. This is apparent upon examination of independent claims 1, 8, and 9 of the present invention as set forth above.

Randle is unlike the present invention in that Randle provides an entire infrastructure method and system controlled and owned by member banks or other financial service providers. Each of these are operatively interconnected through access mechanisms to a network of customers and goods and service providers where account subscribers with the financial service provider member the infrastructure is comprised of a central processing system that provides real time debit and credit transaction between and among accounts of the various subscribers. As such, the central unit is much different than the self-contained method and system of the present invention. Randle does not disclose that a customer may utilize the computer system of the present invention to electronically determine which of a plurality of payment methods may be used to pay his particular vendors. The computerized system of the present invention requires the receipt of vendor information from an accounting application wherein the accounting application receives the vendor information in the form of various articles, such as invoices. Vendor information is taken and entered into the accounting application wherein the accounting application creates an electronic file for each of the vendors. This process is not disclosed in Randle. Moreover, Randle does not disclose that a computer system may consult a vendor database in search of a vendor identifier that corresponds to the information about a particular vendor. Randle also does not disclose that the vendor database includes one or more vendor

identifiers which are used to identify the particular type of payment method that is to be employed when paying the vendor. As stated, the method of the present invention is substantially performed and controlled by the computer system of the customer. Therefore, there is no need for a centralized database having multiple users or members connected thereto, as is disclosed in Randle. Another distinguishing characteristic is that Randle does not disclose associating remittance information with a payment transaction, wherein the remittance information is also identified in a similar fashion as that used to identify the method of payment.

In light of the above, Randle et al. clearly does not anticipate nor render obvious either of independent claims 1, 8, and 9 of the present invention as one or more critical elements recited in these claims are not present. Moreover, since the dependent claims add further limitations to the independent claims, Randle et al. neither anticipates, nor renders obvious the dependent claims.

United States Patent No. 5,956,700 to Landry

United States Patent No. 5,956,700, issued on September 21, 1999 to Landry, discloses a system and method for paying bills without requiring interaction with the payors disclosed. The system includes a payor control interface, a communications interface, a bill generator, and a TCF message generator. The bill generator generates bill records from payor and payee information stored within the system for recurring bills. The bill generator may also generate bill records from the payor and payee information and from bill data messages received from payees. The generated bill records are used by the TCF message generator to generate the EFT messages for transferring funds electronically between payors and payees. Payors may alter the payment amount and date for a bill as well as reverse payment of a bill already paid. Payees are also able to alter recurring bill records or may present bill data so that bill records reflecting variable obligation amounts may be generated.

The present invention is readily distinguishable from the teachings of Landry This is apparent upon examination of independent claims 1, 8, and 9 of the present invention as set forth above.

On the other hand, Landry discloses and teaches a bill payment system having payor control and yet provides storage of payee information for each of a plurality of payors. Landry teaches that a payor may access a database of payees to initiate a payment transaction. The system described in Landry is much like an on-line banking system in which a customer or user may log on and select or identify a number of payees and then initiate payments to those payees. Unlike Landry, the present invention takes electronic payment systems one step further by providing a method for electronically paying vendors or payees even though they are incapable of receiving electronic payment. This is accomplished by the computer system of the present invention in which vendor information is contained within a vendor database, which vendor information includes one or more vendor identifiers corresponding to method of payment and/or various other remittance information. To electronically pay a vendor incapable of receiving electronic payment, the computerized system of the present invention simply transmits the information from the vendor database to a service center, which then prepares a traditional paper check to be delivered to the vendor. As such, both electronic and traditional payment methods may be accomplished using the electronic system of the present invention. Nothing to this effect is suggested or taught in the Landry reference.

In light of the above, Landry clearly does not anticipate nor render obvious either of independent claims 1, 8, and 9 of the present invention as one or more critical elements recited in these claims are not present. Moreover, since the dependent claims add further limitations to the independent claims, Landry neither anticipates, nor renders obvious the dependent claims.

United States Patent No. 5,893,080 to McGurl et al.

United States Patent No. 5,893,080, issued on April 6, 1999 to McGurl et al., discloses a computerized payment disbursement system and method are provided. One embodiment of the method of the present invention includes storing in a computer database user-defined payment disbursement criteria associated with a plurality of types of disbursement transactions. At least one payment disbursement request corresponding to one of the plurality of types is received. At least one payment disbursement is generated based upon the criteria and the request by automatically determining which of the plurality of types corresponds to the request and automatically selecting from the storage means the disbursement criteria associated with that disbursement type.

The present invention is readily distinguishable from the teachings of McGurl et al. This is apparent upon examination of independent claims 1, 8, and 9 of the present invention as set forth above.

Although McGurl et al. discloses a computerized payment disbursement system, the system is not fully automated as is the system of the present invention. McGurl et al. does not disclose or teach a method for electronically determining which of a plurality of payment methods is to be employed comprising receiving from an accounting application at least one vendor identifier in an electronic file format pertaining to one or more vendors. Moreover, McGurl et al. does not teach the association of remittance information with the payment transaction, including information pertaining to the preferred method of receipt of the remittance information by the vendor. Moreover, McGurl et al. does not disclose translation engine for receiving preferred payment information data and remittance data and translating and formatting that remittance data into one of a plurality of preferred formats, wherein the preferred format is

then input to a remittance generating engine that forward the remittance information to the remittance recipient or vendor based on information as contained in a remittance preference database. The remittance preference database sores information pertaining t at least one remittance recipient. Such features are not found or disclosed n the McGurl et al. reference.

In light of the above, McGurl et al. clearly does not anticipate nor render obvious either of independent claims 1, 8, and 9 of the present invention as one or more critical elements recited in these claims are not present. Moreover, since the dependent claims add further limitations to the independent claims, McGurl et al. neither anticipates, nor renders obvious the dependent claims.

United States Patent No. 5,884,288 to Chang et al.

United States Patent No. 5,884,288, issued on March 16, 1999 to Chang et al. discloses a method and system for providing a fully automated electronic bill processing capability that is integrated with banking institutions and their customers is herein disclosed. The electronic bill payment system includes a community of payors, payees, payor banks, and payee banks that are associated with computing systems-that are interconnected by a computer network. A payor bank receives electronic bills specifying payment requests from one or more payors having an account at the payor bank. The payor bank places a hold on the funds in the payor's account and then generates an electronic check that is transmitted to the payee. The payee receives an electronic check envelope that contains a number of electronic checks that are encrypted and digitally signed by the payor bank. The payee generates an electronic deposit including one or more endorsed electronic checks and a deposit slip. The electronic deposit is encrypted and digital4ly signed by the payee. The electronic deposit is transmitted to a payee bank that the payee is associated with. The payee bank authenticates the endorsed check and credits the payee's account accordingly.

The present invention is readily distinguishable from the teachings of Chang et al. This is apparent upon examination of independent claims 1, 8, and 9 of the present invention as set forth above.

Unlike the present invention, Chang et al. teaches and discloses a community of payors, payees, payor banks, and payee banks that are all associated with an interconnected computing system by which each of these individuals or entities may communicate with one another regarding payment transactions. This centralized or interconnected system is in contrast to the computer system of the present invention as discussed in other references above. Specifically, Chang et al. does not disclose nor even suggest that all vendors, whether they are capable of receiving electronic payments via an electronic file transfer system, may nonetheless receive a payment form a customer using the electronic mens or computer system of the present invention. Stated differently, the computerized system of the present invention allows the customer to electronically pay a vendor who would otherwise not be able to receive an electronic payment by utilizing the services of a service center. The computerized method and system of the present invention allows the customer to perform this task by providing such information i the form of a vendor identifier as stored in a vendor database.

In light of the above, Chang et al. clearly does not anticipate nor render obvious either of independent claims 1, 8, and 9 of the present invention as one or more critical elements recited in these claims are not present. Moreover, since the dependent claims add further limitations to the independent claims, Chang et al. neither anticipates, nor renders obvious the dependent claims.

United States Patent No. 5,832,464 to Houvener et al.

United States Patent No. 5,832,464, issued on November 3, 1998 to Houvener et al., discloses a device and method for facilitating signature-less financial transactions as an improvement over common, prior art check-based financial transactions. This system and method provides the ability to use a check as a form of payment at a point of use without having to use the signed check as the binding document that is processed through the financial system to obtain payment by the entity rendering the service. The system and method comprises reading a hard copy check via an electronic scanner, correlating the account number to a biometric or other piece of data that would positively identify the person tendering the check and using the biometric or other data to confirm the identity of the person tendering the check. This data is then associated with an auditable record of the person who performed the biometric or other data comparison. Once a particular financial transaction is authorized, the check is returned to the tenderer and the financial transaction is processed as an electronic fund transfer (EFT).

The present invention is readily distinguishable from the teachings of Houvener et al. This is apparent upon examination of independent claims 1, 8, and 9 of the present invention as set forth above.

On the other hand, Houvener et al. relates only generally to an electronic payment environment. Rather, Houvener et al. focuses on a device and method for replacing a signed check, which is traditionally used as the binding document that is processed through a financial system, with an electronic scanner, which correlates the account number of an individual with some type of identifier, such as a biometric identifier that would positively identify the person tendering the check. In light of the foregoing, Houvener et al. cannot be considered relevant to the technology of the present invention.

In light of the above, Houvener et al. clearly does not anticipate nor render obvious either of independent claims 1, 8, and 9 of the present invention as one or more critical elements recited in these claims are not present. Moreover, since the dependent claims add further limitations to the independent claims, Houvener et al. neither anticipates, nor renders obvious the dependent claims.

United States Patent No. 5,832,463 to Funk

United States Patent No. 5,832,463, issued on November 3, 1998 to Funk, discloses an automated improved check processing system and method comprising a data entry device (200, 202) for receiving checking account information (304, 306, 308) and a check amount (302) of a check (210, 300) provided in a transaction. The transaction may take place at a bank teller window or a point-of-sale. The checking account information and check amount are electronically transmitted to the institution or servicer (208) drawn on for electronic presentment and posting to the proper checking account. Additionally, an image capturer (204) may be used at the time of the transaction to obtain a digitized image of the face of the check. The captured image may then be forwarded electronically to a database, which is readily accessible for research purposes.

The present invention is readily distinguishable from the teachings of Funk. This is apparent upon examination of independent claims 1, 8, and 9 of the present invention as set forth above.

Funk is also largely unrelated to the present invention as many of the features and elements as contained within the electronic payment method of the present invention are not included nor even suggested in Funk. Specifically, Funk does not disclose a method for electronically determining which type of payment a vendor may receive, and then initiating an

electronic payment transaction according to one or more vendor identifiers stored in a vendor database.

In light of the above, Funk clearly does not anticipate nor render obvious either of independent claims 1, 8, and 9 of the present invention as one or more critical elements recited in these claims are not present. Moreover, since the dependent claims add further limitations to the independent claims, Funk neither anticipates, nor renders obvious the dependent claims.

United States Patent No. 5,717,989 to Tozzoli et al.

United States Patent No. 5,717,989, issued on February 10, 1998 to Tozzoli et al., discloses a system that stores criteria specified by a funder relating to trade transactions for buyers and sellers. The system compares the criteria with a proposed purchase order to determine whether the system can generate a payment guarantee on behalf of the funder for the buyer to the seller. The system also compares subsequent documents relating to an original purchase order with the original purchase order to ensure that the terms of the purchase order are properly fulfilled. When the appropriate conditions for payment are met, the system issues a funds transfer instruction to transfer payment from the buyer to the seller.

The present invention is readily distinguishable from the teachings of Tozzoli et al. This is apparent upon examination of independent claims 1, 8, and 9 of the present invention as set forth above.

Tozzoli et al. is also largely unrelated to the technology of the present invention. Tozzoli et al. focuses mainly on a computer system for trade transactions and goods and services. Tozzoli et al. does not teach or suggest the use of a computerized system for electronically determining a payment transaction to a vendor and providing remittance data with the payment transaction. Rather, the only teaching that centers around a payment system is whether the

payment should or should not be authorized based on an evaluated purchase order for a particular good or service.

In light of the above, Tozzoli et al. clearly does not anticipate nor render obvious either of independent claims 1, 8, and 9 of the present invention as one or more critical elements recited in these claims are not present. Moreover, since the dependent claims add further limitations to the independent claims, Tozzoli et al. neither anticipates, nor renders obvious the dependent claims.

United States Patent No. 4,823,264 to Deming

United States Patent No. 4,823,264, issued on April 18, 1989 to Deming, discloses an electronic funds transfer system that assures that funds to be electronically transferred are actually present to be transferred. This is accomplished by sending both the debit side and the credit side of the transaction as described in automated clearing house records to a payor's financial institution or data processor and comparing both records to assure the funds are present before releasing the funds to a payee. The release of funds to a payee is accomplished by the sending of a credit by an automated clearing house record to a payee's financial institution or data processor or by the printing and mailing of a check if the payee is not a member of the automated clearing house.

The present invention is readily distinguishable from the teachings of Deming. This is apparent upon examination of independent claims 1, 8, and 9 of the present invention as set forth above.

Although Deming discusses the use of an electronic funds transfer system, this system is significantly different from the present invention system in that Deming discloses or teaches an electronic funds transfer system that verifies whether there are enough available funds to make a payment to a vendor. A necessary player in the system of Deming is the payor's financial

institution, which serves to verify the available funds. Once the funds are verified, payment may be made electronically by releasing the funds to the financial institution of a payee via the use of an automated clearing house, or simply printing and mailing a check if the payee is not a member of the clearing house. Deming is different from the present invention in that Deming does not disclose a method for electronically transferring via an electronic file transfer protocol a payment to a vendor. Deming also does not disclose or suggest receiving from an accounting application information pertaining to several vendors in the form of an electronic file which may be stored in a vendor database. Finally, Deming does not disclose or teach the association of remittance information with the payment transaction, including information pertaining to the preferred method of receipt of the remittance information.

In light of the above, Deming clearly does not anticipate nor render obvious either of independent claims 1, 8, and 9 of the present invention as one or more critical elements recited in these claims are not present. Moreover, since the dependent claims add further limitations to the independent claims, Deming neither anticipates, nor renders obvious the dependent claims.

United States Patent No. 4,321,672 to Braun et al.

United States Patent No. 4,321,672, issued on March 23, 1982 to Braun et al., discloses methods and systems for effecting a variety of electronic funds transfer transactions are based upon the use of unit records containing preprinted non-machine readable data, preprinted machine readable data, and manually entered data, and conversion of such records from negotiable instruments to documentary evidence of the satisfactory completion of the transaction. By first automatically reading the encoded data on the unit record and incorporating transaction data and security information in messages transmitted from a terminal, a financial institution can

verify the validity of the transaction, effect the transaction and return an authorization message containing both reference and transaction information for imprinting on the unit record. The record then evidences the satisfactory completion of the transaction, and no further document generation or handling are needed at the merchant and financial institutions involved. The record is capable of usage as a conventional negotiable instrument if terminal facilities are inoperable or not available.

The present invention is readily distinguishable from the teachings of Braun et al. This is apparent upon examination of independent claims 1, 8, and 9 of the present invention as set forth above.

Braun et al. is largely unrelated to the present invention in that Braun et al. pertains to a financial data processing in general. Moreover, Braun et al. discloses the use of a central database whereby several different financial modules, such as an ATM or other financial institution, may be connected to carry out the data processing procedures. Braun et al. does not disclose a self-contained computerized system that is substantially performed and controlled by the system of a customer of a vendor. Specifically, Braun et al. does not disclose nor teach the novel elements as recited in the claims of the present invention.

In light of the above, Braun et al. clearly does not anticipate nor render obvious either of independent claims 1, 8, and 9 of the present invention as one or more critical elements recited in these claims are not present. Moreover, since the dependent claims add further limitations to the independent claims, Braun et al. neither anticipates, nor renders obvious the dependent claims.

III. SUMMARY AND CONCLUSION

In light of the foregoing, Applicant respectfully submits that the claims of the present invention contain limitations which are neither disclosed nor rendered obvious by the relevant

references discovered in the pre-examination search. The unique combination of features or elements presented in the present invention are not found in any of the prior art references. Applicant therefore respectfully submits that the present invention is patentable over the prior art references.

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Respectfully submitted,

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